

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of:)	
)	
Request for Waiver)	
of the Commission's Rules by)	
)	FCC Form 471 No. 358495
Richland County School District One)	FRN Nos. 1008718
Columbia, South Carolina		1008771, 1008678,
		1007439, 1007411, 1007361,
		1008198, 1008316, 1008170
)	
)	
)	
Federal-State Joint Board on)	CC Docket No. 02-6
Universal Service)	

**Request for Waiver of the Funding Year 2003 Service Installation Deadline
for Non-Recurring Services**

The Richland County School District One, Columbia, South Carolina ("the district"), hereby requests a waiver of section 54.507(d) of the Commission's rules in connection with the deadline for non-recurring services covered by the funding requests referenced above. These 2003 funding requests provide discounts for cabling projects at nine schools. The district is submitting this request for an extension of the installation deadline well in advance of the September 30 deadline in order to facilitate sound technology and financial planning.

Facts

For the 2003 funding year, the district sought E-rate discounts for wiring projects at 25 schools. The district was unable to proceed with the projects until its E-rate discounts were approved. On December 2, 2003, it received a Funding Commitment Decision Letter for the 22 schools that were eligible for a 90 percent discount rate.

Because this funding commitment decision letter arrived as the district was in the middle of conducting RFPs in conjunction with its application for the 2004 funding year, and then preparing and submitting that application, it was not until early February 2004 that the technology department was able to meet with the three service providers involved (American Telephone and Cable, Avcom and Multimedia Communication Services Corp.) to develop the detailed schedule for completion of these projects. As work on the projects was about to start, the technology department was informed that although the School Board had approved these projects before the submission of the original Form 471 requests, because of the dollar amount involved, the board would need to give its formal approval a second time before a Purchase Order could be issued.

This local procurement requirement meant that the start date for the projects had to be delayed for another two weeks so that the matter could be put on the agenda of the next board meeting.

The district intends to make every effort to complete these projects by the normal September 30, 2004 installation deadline. However, on reviewing the project timetable in light of these cumulative delays, it believes that it may not be able to complete all of the work by that deadline. Because of the need to schedule work when classrooms can be made available, it fears that the only way it would be able to meet the September 30, 2004 deadline would be to engage its service providers on an overtime basis, which it believes would not be a cost-effective use of the district's available funds.

Discussion

The district is proactively seeking a short extension of the deadline—well in advance of the actual deadline—to ensure that this work progresses in an orderly way and that E-rate discounts and its own budgeted funds are put to good use. In two similar cases, *Chicago Public Schools*¹ and *Buffalo City School District*², the Commission waived section 54.507(d) of its rules. In those cases, as in this one, the school districts did not receive notification of their funding commitment approvals until well after the start of the funding year. The Commission found that “external circumstances such as delayed funding decisions can create situations where deadlines are both impractical and unreasonable.” In this regard, the Commission noted that its long-standing policy has been to ensure that applicants “for non-recurring services are not penalized for delays that are not within their control.”³ Accordingly, for this reason and also because project costs would increase substantially if the school districts had to compress their work schedules to meet the funding year deadline, the Commission concluded that it made sense to ensure that the school districts had enough time to make use of their E-rate discounts.

In this case, the delayed funding commitments coupled with the district's diligence in ensuring that it followed all applicable rules —state, local and E-rate— has created a situation in which additional time may be necessary to complete all of our projects on schedule. Consequently, we are proactively seeking a waiver of the installation deadline at this time for only a portion of the approved wiring projects, before we find ourselves up against the deadline in mid-project and faced with the prospect of having to incur additional costs to complete the work by the E-rate program's installation deadline.

¹ *In the Matter of Chicago Public Schools* (Rel. September 19, 2002).

² *In the Matter of Buffalo City School District* (Rel. June 21, 2002).

³ *Chicago*, Para 11. *Buffalo*, Para. 11.

Respectively submitted,

RICHLAND COUNTY SCHOOL DISTRICT ONE

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